

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA (READING)

IN RE:	:	
Mark Leslie Kennedy,	:	Case No. 23-11688-PMM
	:	
Debtor,	:	
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Nancy Berrian,	:	
Plaintiff,	:	
vs.	:	
	:	Adversary No. 23-00067-PMM
Mark Leslie Kennedy,	:	
	:	
Defendant.	:	
	:	

NOTICE TO PLEAD

To: Stanley J. Ellenberg, Esquire
Law Offices of Stanley J. Ellenberg, Esq., PC
Two Penn Center
1500 JFK Blvd., Suite 1825
Philadelphia, PA 19102

You are hereby notified to file a written response to the enclosed Preliminary objections to Plaintiff's Complaint within twenty (20) days from service hereof or a judgment may be entered against you.

LAPUTKA LAW OFFICE, LLC

Date: 12/11/2023

By: /s/ Charles Laputka
Charles Laputka, Esquire
PA ID No: 91984
1344 W. Hamilton St.
Allentown PA 18102
P: (610) 477-0155
F: (484) 350-3581

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PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

AND NOW, comes Defendant, Mark Leslie Kennedy (hereinafter "Defendant"), by and through his attorneys, Laputka Law Office, LLC, and respectfully files Preliminary Objections to Plaintiff's Complaint and state as follows:

I. FAILURE TO PLEAD FRAUD WITH PARTICULARITY.

1. Plaintiff, Nancy Berrian (hereinafter "Plaintiff"), has filed a Complaint against Defendant, seeking judgment on an alleged written contract for construction repairs. A true and correct copy of the alleged written contract is attached to Plaintiff's Complaint as Exhibit A.

2. The complaint states that the Defendant acted fraudulently in its actions with the Plaintiff.

3. Pursuant to Rule 1019(b) of the Pennsylvania Rules of Civil Procedure, “Averments of fraud or mistake shall be averred with particularity. Malice, intent, knowledge, and other conditions of mind may be averred generally.”

4. The Plaintiff fails to provide any specific acts or circumstances of fraud on the part of the Defendant outside of the four-corners of the contract that governs this dispute.

5. Defendant is unable to file an answer to the Plaintiff’s complaint without specific allegations of fraud being identified in the complaint outside of the four-corners of the contract.

WHEREFORE, Defendant, Mark L. Kennedy, requests that this Honorable Court dismiss Count I of Plaintiff’s Complaint with Prejudice.

Respectfully submitted,

LAPUTKA LAW OFFICE, LLC

Date: 12/11/2023

By: /s/ Charles Laputka
Charles Laputka, Esquire
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